



Express Mail No.: EV 380 863 558 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Roberts and Rupp

Confirmation No.: 6955

Application No.: 10/800,128

Group Art Unit: 2152

Filed: March 11, 2004

Examiner: *To Be Assigned*

For: COMMAND CENTER AND
INTERFACE FOR WEB BASED
BUSINESS MERCHANDISING AND
SERVICE

Attorney Docket No.: 649388-999006
(formerly 23867-08553)

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

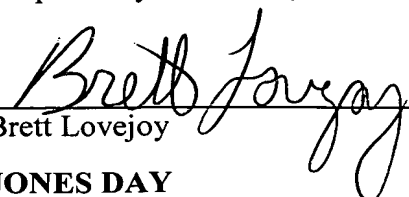
Sir:

In response to a Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed June 1, 2004, in connection with the above-identified application, Applicants hereby authorize the Commissioner to charge the required total filing fees in the amount of \$1018, including the basic filing fee of \$770 (large entity) and the additional claim fees of \$248 (large entity), to Jones Day Deposit Account No. 50-3013, referencing Docket No. 649388-999006. Applicants submit concurrently herewith: (1) a copy of the Notice; (2) two Declarations executed in counterparts by inventor Timothy Roberts on July 30, 2004, and inventor Jason R. Rupp on July 29, 2004, respectively; (3) a Revocation and Power of Attorney signed by inventor Timothy Roberts; (4) a Revocation and Power of Attorney signed by inventor Jason R. Rupp; and (5) a Preliminary Amendment Under 37 C.F.R. §1.115.

Pursuant to 37 C.F.R. §1.16(e), the surcharge required for filing of the missing items is believed to be \$130.00. Please charge the required fee to Jones Day Deposit Account No. 50-3013, along with any deficiencies in fees due. A duplicate copy of this sheet is enclosed.

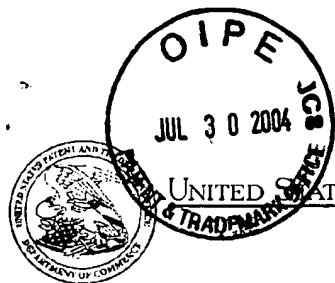
Respectfully submitted,

Date July 30, 2004


Brett Lovejoy 42,813
(Reg. No.)

JONES DAY
222 East 41st Street
New York, New York 10017-6702
(415) 875-5744

Enclosures



08-02-04

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IFW ✓

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/800,128	03/11/2004	Tim Roberts	23867-08553

Brett Lovejoy
Jones Day LLC
222 East 41st Street
New York, NY 10017-6702

CONFIRMATION NO. 6955

FORMALITIES LETTER



OC000000012825549

Date Mailed: 06/01/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/03/2004 WASFAW1 00000012 503013 10800128

01 FC:1001 770.00 DA
02 FC:1051 130.00 DA
03 FC:1201 86.00 DA
04 FC:1202 162.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **2b** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date

of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$248** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1148** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$248**
 - **\$86** for 1 independent claims over 3.
 - **\$162** for 9 total claims over 20.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
 - does not identify the residence (e.g., city and either state or foreign country) of each inventor.
 - does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

A handwritten signature in black ink, appearing to be 'Hle', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE